

U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Buffalo)
CIVIL DOCKET FOR CASE #: 1:18-cv-01488-LJV-HBS

Privacy International et al v. Federal Bureau of Investigation et al

Assigned to: Hon. Lawrence J. Vilardo

Referred to: Hon. Hugh B. Scott

Cause: 05:552 Freedom of Information Act

Date Filed: 12/21/2018

Jury Demand: None

Nature of Suit: 895 Freedom of Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

Privacy International

represented by **Jonathan Matthew Manes**
University at Buffalo School of Law
613 O'Brian Hall, North Campus
Buffalo, NY 14260-1100
716 645-6222
Fax: 716 645-6199
Email: jmmanes@buffalo.edu
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Caroline Wilson Palow
Privacy International
62 Britton Street
London EC1M 5UY
+44(0)203-422-4321
ATTORNEY TO BE NOTICED

Scarlet Kim
Privacy International
62 Britton Street
London EC1M 5UY
+44(0)203-422-4321
ATTORNEY TO BE NOTICED

Plaintiff

American Civil Liberties Union

represented by **Jonathan Matthew Manes**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**American Civil Liberties Union
Foundation**

represented by **Jonathan Matthew Manes**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brett Max Kaufman
American Civil Liberties Union
Foundation
125 Broad Street
18th Floor
New York, NY 10004
212-549-2500
Fax: 212-549-2654
Email: bkaufman@aclu.org
ATTORNEY TO BE NOTICED

Jennifer Stisa Granick
American Civil Liberties Union
Foundation

39 Drumm Street
San Francisco, CA 94111
415-343-0758
ATTORNEY TO BE NOTICED

Vera Eidelman
American Civil Liberties Union
Foundation
125 Broad Street
18th Floor
New York, NY 10004
212-549-2500
ATTORNEY TO BE NOTICED

Plaintiff

**Civil Liberties and Transparency
Clinic**

represented by **Jonathan Matthew Manes**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Federal Bureau of Investigation

represented by **Marcia Kay Sowles**
U.S. Department of Justice – Civil
Division
1100 L Street NW
Washington, DC 20005
202-514-4960
Fax: 202-616-8470
Email: marcia.sowles@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael S. Cerrone
U.S. Attorney's Office
Federal Centre
138 Delaware Avenue
Buffalo, NY 14202
716-843-5851
Fax: 716-551-3196
Email: michael.cerrone@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Department of Justice Criminal
Division**

represented by **Marcia Kay Sowles**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael S. Cerrone
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. Immigration and Customs
Enforcement**

represented by **Marcia Kay Sowles**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael S. Cerrone
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. Customs and Border Protection

represented by **Marcia Kay Sowles**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael S. Cerrone
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Internal Revenue Service

represented by **Marcia Kay Sowles**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael S. Cerrone
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. Secret Service

represented by **Marcia Kay Sowles**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael S. Cerrone
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Department of Justice Office of the
Inspector General**

represented by **Marcia Kay Sowles**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael S. Cerrone
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Department of Homeland Security
Office of the Inspector General**

represented by **Marcia Kay Sowles**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael S. Cerrone
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Department of the Treasury Office of
the Inspector General**

represented by **Marcia Kay Sowles**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael S. Cerrone
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Treasury Inspector General for Tax
Administration**

represented by **Marcia Kay Sowles**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael S. Cerrone
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Drug Enforcement Administration**

represented by **Marcia Kay Sowles**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael S. Cerrone
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/21/2018	<u>1</u>	COMPLAINT against All Defendants \$ 400 receipt number 0209-3313270, filed by American Civil Liberties Union Foundation (ACLU), American Civil Liberties Union, Civil Liberties and Transparency Clinic, Privacy International. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O, # <u>16</u> Exhibit P, # <u>17</u> Exhibit Q, # <u>18</u> Exhibit R, # <u>19</u> Exhibit S, # <u>20</u> Exhibit T, # <u>21</u> Exhibit U, # <u>22</u> Exhibit V, # <u>23</u> Exhibit W, # <u>24</u> Exhibit X, # <u>25</u> Exhibit Y, # <u>26</u> Exhibit Z, # <u>27</u> Exhibit AA, # <u>28</u> Exhibit BB, # <u>29</u> Civil Cover Sheet, # <u>30</u> Summons (FBI), # <u>31</u> Summons (DEA), # <u>32</u> Summons (DOJ Criminal Division), # <u>33</u> Summons (ICE), # <u>34</u> Summons (CBP), # <u>35</u> Summons (IRS), # <u>36</u> Summons (Secret Service), # <u>37</u> Summons (DOJ OIG), # <u>38</u> Summons (DHS OIG), # <u>39</u> Summons (Treasury OIG), # <u>40</u> Summons (TIGTA))(Manes, Jonathan) (Entered: 12/21/2018)
12/21/2018	<u>2</u>	Corporate Disclosure Statement by American Civil Liberties Union, American Civil Liberties Union Foundation (ACLU), Civil Liberties and Transparency Clinic, Privacy International. (Manes, Jonathan) (Entered: 12/21/2018)
12/26/2018		Case assigned to Hon. Lawrence J. Vilardo. Notification to Chambers of on-line civil case opening. (SG) (Entered: 12/26/2018)
12/26/2018		Notice of Availability of Magistrate Judge: A United States Magistrate of this Court is available to conduct all proceedings in this civil action in accordance with 28 U.S.C. 636c and FRCP 73. The Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form (AO-85) is available for download at http://www.uscourts.gov/services-forms/forms . (SG) (Entered: 12/26/2018)
12/26/2018	<u>3</u>	Summons Issued as to Department of Homeland Security Office of the Inspector General, Department of Justice Criminal Division, Department of Justice Office of the Inspector General, Department of the Treasury Office of the Inspector General, Drug

		Enforcement Administration, Federal Bureau of Investigation, Internal Revenue Service, Treasury Inspector General for Tax Administration, U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, U.S. Secret Service, (Attachments: # <u>1</u> summons issued, # <u>2</u> summons issued, # <u>3</u> summons issued, # <u>4</u> summons issued, # <u>5</u> summons issued, # <u>6</u> summons issued, # <u>7</u> summons issued, # <u>8</u> summons issued, # <u>9</u> summons issued, # <u>10</u> summons issued)(SG) (Entered: 12/26/2018)
01/17/2019	<u>4</u>	AFFIDAVIT of Service for Summons, Complaint, and Corporate Disclosure Statement served on All Defendant Agencies, the Attorney General of the United States, and the U.S. Attorney's Office for the WDNY on January 4, 2019, filed by American Civil Liberties Union, American Civil Liberties Union Foundation, Civil Liberties and Transparency Clinic, Privacy International. (Attachments: # <u>1</u> Exhibit A)(Manes, Jonathan) (Entered: 01/17/2019)
01/18/2019	<u>5</u>	AMENDED COMPLAINT against All Defendants, filed by American Civil Liberties Union Foundation, American Civil Liberties Union, Civil Liberties and Transparency Clinic, Privacy International. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O, # <u>16</u> Exhibit P, # <u>17</u> Exhibit Q, # <u>18</u> Exhibit R, # <u>19</u> Exhibit S, # <u>20</u> Exhibit T, # <u>21</u> Exhibit U, # <u>22</u> Exhibit V, # <u>23</u> Exhibit W, # <u>24</u> Exhibit X, # <u>25</u> Exhibit Y, # <u>26</u> Exhibit Z, # <u>27</u> Exhibit AA, # <u>28</u> Exhibit BB)(Manes, Jonathan) (Entered: 01/18/2019)
01/22/2019	<u>6</u>	AFFIDAVIT of Service for Amended Complaint served on All Defendant Agencies on January 18, 2019, filed by American Civil Liberties Union, American Civil Liberties Union Foundation, Civil Liberties and Transparency Clinic, Privacy International. (Attachments: # <u>1</u> Exhibit A)(Manes, Jonathan) (Entered: 01/22/2019)
01/29/2019	<u>7</u>	NOTICE of Appearance by Michael S. Cerrone on behalf of All Defendants (Cerrone, Michael) (Entered: 01/29/2019)
02/01/2019	<u>8</u>	STIPULATION re <u>5</u> Amended Complaint,, (<i>Stipulation Extending Time to Answer or Appear</i>) by Department of Homeland Security Office of the Inspector General, Department of Justice Criminal Division, Department of Justice Office of the Inspector General, Department of the Treasury Office of the Inspector General, Drug Enforcement Administration. (Cerrone, Michael) (Entered: 02/01/2019)
02/04/2019	<u>9</u>	TEXT ORDER. The <u>8</u> stipulation extending time to answer or appear is HEREBY SO ORDERED. The defendants' time to answer or otherwise make motions with respect to the complaint is extended to 3/4/2019. Issued by Hon. Lawrence J. Vilardo on 2/4/2019. (CMD) (Entered: 02/04/2019)
03/01/2019	<u>10</u>	NOTICE of Appearance by Marcia Kay Sowles on behalf of All Defendants (Sowles, Marcia) (Entered: 03/01/2019)
03/04/2019	<u>11</u>	ANSWER to <u>5</u> Amended Complaint,, by Department of Homeland Security Office of the Inspector General, Department of Justice Criminal Division, Department of Justice Office of the Inspector General, Department of the Treasury Office of the Inspector General, Drug Enforcement Administration, Federal Bureau of Investigation, Internal Revenue Service, Treasury Inspector General for Tax Administration, U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, U.S. Secret Service.(Sowles, Marcia) (Entered: 03/04/2019)
03/08/2019	<u>12</u>	TEXT REFERRAL ORDER (DISPOSITIVE) – Hon. Hugh B. Scott, United States Magistrate Judge, is hereby designated to act in this case as follows: Pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), all pre-trial matters in this case are referred to the above-named United States Magistrate Judge, including but not limited to: (1) conduct of a scheduling conference and entry of a scheduling order pursuant to Fed. R. Civ. P. 16, (2) hearing and disposition of all non-dispositive motions or applications, (3) supervision of discovery, and (4) supervision of all procedural matters involving the aforementioned or involving the preparation of the case or any matter therein for consideration by the District Judge. The Magistrate Judge shall also hear and report upon dispositive motions for the consideration of the District Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). All motions or applications shall be filed with the Clerk and made returnable before the Magistrate Judge. The parties are encouraged to

		consider the provisions of 28 U.S.C. § 636(c) governing consent to either partial or complete disposition of the case, including trial if necessary, by the Magistrate Judge. Consent forms are available from the office of the Magistrate Judge or the office of the Clerk of Court. IT IS SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 3/8/2019. (CMD) (Entered: 03/08/2019)
03/14/2019	<u>13</u>	<p>TEXT ORDER RE: Scheduling.</p> <p>On or before 4/19/2019, the parties will meet and confer in good faith and then file a joint proposed discovery plan and schedule. Counsel are welcome to consider either of two general scheduling options.</p> <p>If counsel believe that this case should follow discovery in the ordinary course then the joint plan will address the issues covered in Rules 16(c) and 26(f) and Local Rule 16(b); any issues not applicable to this case should be mentioned briefly as not applicable. The attached chambers guide includes a model scheduling order that will help.</p> <p>Alternatively, counsel may propose a custom schedule under 5 U.S.C. § 552(a)(4)(B) if they believe that a custom schedule would be more appropriate.</p> <p>The Court will issue a Scheduling Order after receiving the joint plan.</p> <p>Under 28 U.S.C. § 636(c), the parties at any time may consent to have the Magistrate Judge adjudicate individual dispositive proceedings or all proceedings in this case, including a jury or non-jury trial and entry of final judgment. (<i>See also</i> Fed. R. Civ. P. 73.) The parties are encouraged to consider potential benefits of a Rule 73 consent, including earlier motion resolution and trial scheduling; however, there will be no adverse consequences at all should the parties decline.</p> <p>SO ORDERED. Issued by Hon. Hugh B. Scott on 3/14/2019. (GAI) (Entered: 03/14/2019)</p>
04/16/2019	<u>14</u>	JOINT MOTION for Extension of Time to File Proposed Discovery Plan and Schedule (letter filed by chambers). (GAI) (Entered: 04/16/2019)
04/16/2019	15	<p>TEXT ORDER granting <u>14</u> Motion for Extension of Time to File.</p> <p>The joint proposed discovery plan and schedule (Dkt. No. 13) will be filed on or before 5/17/2019.</p> <p>SO ORDERED. Issued by Hon. Hugh B. Scott on 4/16/2019. (GAI) (Entered: 04/16/2019)</p>
05/17/2019	<u>16</u>	Consent MOTION for Extension of Time to File <i>to File Proposed Joint Discovery Plan and Scheduling Order</i> by American Civil Liberties Union, American Civil Liberties Union Foundation, Civil Liberties and Transparency Clinic, Privacy International.(Manes, Jonathan) (Entered: 05/17/2019)
06/14/2019	<u>17</u>	Consent MOTION for Extension of Time to File <i>Discovery Plan and Schedule</i> by Department of Homeland Security Office of the Inspector General, Department of Justice Criminal Division, Department of Justice Office of the Inspector General, Department of the Treasury Office of the Inspector General, Drug Enforcement Administration, Federal Bureau of Investigation, Internal Revenue Service, Treasury Inspector General for Tax Administration, U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, U.S. Secret Service.(Sowles, Marcia) (Entered: 06/14/2019)
06/14/2019	18	<p>TEXT ORDER granting <u>16</u> Motion for Extension of Time to File; granting <u>17</u> Motion for Extension of Time to File.</p> <p>The joint proposed discovery plan and schedule (Dkt. No. 13) will be filed on or before 7/31/2019.</p> <p>SO ORDERED. Issued by Hon. Hugh B. Scott on 6/14/2019. (GAI) (Entered: 06/14/2019)</p>

06/14/2019		***Meeting Report due by 7/31/2019. (GAI) (Entered: 06/14/2019)
07/31/2019	<u>19</u>	Fourth MOTION for Extension of Time to File <i>Scheduling Order</i> by Department of Homeland Security Office of the Inspector General, Department of Justice Criminal Division, Department of Justice Office of the Inspector General, Department of the Treasury Office of the Inspector General, Drug Enforcement Administration, Federal Bureau of Investigation, Internal Revenue Service, Treasury Inspector General for Tax Administration, U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, U.S. Secret Service. (Attachments: # <u>1</u> Declaration Michael S. Cerrone)(Cerrone, Michael) (Entered: 07/31/2019)
08/01/2019	20	<p style="text-align: center;">ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT</p> <p style="text-align: center;">TEXT ORDER granting <u>19</u> Motion for Extension of Time to File</p> <p>This Court to schedule a Status Conference and reset the deadline for parties to submit proposed Scheduling Order in separate Order.</p> <p>So Ordered. Signed by Hon. Hugh B. Scott on 8/1/2019. (DRH) (Entered: 08/01/2019)</p>
08/01/2019	21	<p style="text-align: center;">ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT</p> <p style="text-align: center;">TEXT ORDER re 18 Order on Motion for Extension of Time to File, 20 Order on Motion for Extension of Time to File</p> <p>Rule 26 Meeting Report and parties' proposed Scheduling Order or Status Report due by 9/10/2019. Status Conference set for Wed., 9/11/2019, 10:45 AM, in Allegany (6E) Courtroom, US Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350 before Hon. Hugh B. Scott. At this conference, parties will discuss state of defendants' FOIA responses and ability of parties to enter a Scheduling Order. If appropriate, this conference will convert to a Scheduling Conference.</p> <p>So Ordered. Signed by Hon. Hugh B. Scott on 8. (DRH) (Entered: 08/01/2019)</p>
09/10/2019	<u>22</u>	STATUS REPORT by Department of Homeland Security Office of the Inspector General, Department of Justice Criminal Division, Department of Justice Office of the Inspector General, Department of the Treasury Office of the Inspector General, Drug Enforcement Administration, Federal Bureau of Investigation, Internal Revenue Service, Treasury Inspector General for Tax Administration, U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, U.S. Secret Service. (Sowles, Marcia) (Entered: 09/10/2019)
09/10/2019	<u>23</u>	STATUS REPORT <i>and PROPOSED SCHEDULING ORDER</i> by American Civil Liberties Union, American Civil Liberties Union Foundation, Civil Liberties and Transparency Clinic, Privacy International. (Manes, Jonathan) (Entered: 09/10/2019)
09/10/2019	<u>24</u>	STUDENT PRACTICE ORDER for Colton Kells for plaintiffs. Signed by Hon. Hugh B. Scott on 9/10/2019. (GAI) (Entered: 09/10/2019)
09/10/2019	<u>25</u>	STUDENT PRACTICE ORDER for Robert McDonald for plaintiffs. Signed by Hon. Hugh B. Scott on 9/10/2019. (GAI) (Entered: 09/10/2019)
09/11/2019	26	<p>TEXT ORDER RE: Scheduling.</p> <p>Due to a calendar conflict, today's Status Conference is canceled.</p> <p>Before rescheduling, the Court will review the status reports that the parties filed yesterday. (Dkt. Nos. 22, 23.) The status reports are sufficiently detailed that the Court should be able to issue a scheduling order without the need for another proceeding. If the Court needs further information then the parties will be notified.</p> <p>SO ORDERED. Issued by Hon. Hugh B. Scott on 9/11/2019. (GAI) (Entered: 09/11/2019)</p>
09/12/2019	<u>27</u>	INITIAL PRODUCTION ORDER. Deadlines set for 10/15/2019 and 11/22/2019. See order for details. Status Report due by 12/6/2019.

		Signed by Hon. Hugh B. Scott on 9/12/2019. (GAI) (Entered: 09/12/2019)
--	--	--